

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

JANICE D. TAYLOR

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:07CV255-P-D

CPI GROUP, INC., et al

DEFENDANTS

ORDER

This cause is before the Court on defendant CPI Group, Inc.'s Motion to Dismiss for Plaintiff's Failure to Cooperate in Discovery and to Hold Plaintiff in Contempt of Court [74]. The Court, having reviewed the motion, the response, the authorities cited and being otherwise fully advised in the premises, finds as follows, to-wit:

On September 28, 2009, Magistrate Judge Jerry A. Davis entered an Order compelling the pro se plaintiff to comply with the defendant's discovery requests no later than October 12, 2009. Plaintiff failed to do so. Subsequently, Magistrate Judge Davis entered another Order dated October 19, 2009 which imposed sanctions on plaintiff for her failure to comply with the earlier Order compelling discovery. The Order also advised plaintiff that further failure to comply with the Orders of the Court could result in the dismissal of her case. Notwithstanding the warning, plaintiff failed to serve acceptable responses to the defendant's interrogatories and request for production of documents. She likewise failed to pay the sanctions imposed pursuant to the October 19, 2009 Order. Finally, she failed to appear for her deposition as scheduled for October 21, 2009, giving the defendant's counsel a mere thirty minutes advance notice of her inability to participate due to an alleged illness; thereafter, she continued to evade defense counsel's requests for an alternative deposition date. As a result of the plaintiff's contumacious conduct as evidenced by her failure to

cooperate with reasonable discovery requests and her failure to abide by the Orders of this Court

IT IS, THEREFORE, ORDERED AND ADJUDGED that defendant CPI Group, Inc.'s Motion to Dismiss for Plaintiff's Failure to Cooperate in Discovery and to Hold Plaintiff in Contempt of Court [74] is well-taken and should be, and hereby is, GRANTED.

IT IS FURTHER ORDERED that the plaintiff is to pay \$600 in sanctions previously imposed by Judge Davis within thirty (30) days of the entry of this Order.

IT IS FURTHER ORDERED that this action should be, and hereby is, DISMISSED WITH PREJUDICE.

SO ORDERED, this the 4th day of June, 2010.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE